

#33

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Karsten HENCO, et al.

Application No.: 08/157,195

Group Art Unit: 1807

Filed: December 8, 1993

Examiner: P. Tran

Title: PROCESS FOR THE DETERMINATION OF IN VITRO AMPLIFIED NUCLEIC ACIDS**RESPONSE TO NOTICE REQUIRING MISSING ITEMS FOR
PETITION TO REVIVE UNDER 37 CFR §1.137(b)**Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

FAX RECEIVED
MAR 11 1998
PETITIONS OFFICE

This paper responds to the notice sent by facsimile to the undersigned, which required the supply of missing items concerning the petition to revive under 37 CFR §1.137(b), filed December 23, 1997. The missing items identified in the notice are (a) a new terminal disclaimer and (b) a showing as to (1) first awareness of the abandonment, (2) how any delay occurred between the mailing of the notice of abandonment and discovery that the application was abandoned, and (3) the cause of any delay between discovery that the application was abandoned and filing the petition to revive.

Attached, hereto, is the new terminal disclaimer, as required in the notice.

As to item (1) of the showing, the undersigned believes that he first became aware of the abandonment shortly after the notice of abandonment was received at the offices of the undersigned. As to item (2) of the showing, no delay occurred between the time of the mailing of the notice and the discovery that the application was abandoned. As to item (3), at the time the notice was received, a petition to revive was docketed, but incorrectly, by the firm's docket clerk; the petition was docketed for a "status inquiry" on December 23, 1997, but nothing sooner. Therefore, the next awareness the undersigned had was on or about December 23, 1997, when the "status

inquiry" appeared on the docket for that day. At this time, the undersigned immediately prepared and filed the petition (maintaining physical possession of the file until filing of the petition was confirmed).

Favorable action in view of the foregoing is requested.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By: William E. Player
William E. Player
Reg. No. 31,409

WEP/cob

The Jenifer Building
400 Seventh Street, NW
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Atty. Docket: P58151NA
Date: March 11, 1998

*Grant for
Dkt - discuss &
case in meeting.*